

STATOTHR



25X1A

Your letter of November 18 concerning [REDACTED] has been referred to me as [REDACTED] successor.

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In your opening sentence you state that this Agency was given the right to admit certain aliens who had aided American intelligence abroad. This is a common misapprehension as to the statutory power of the Agency which requires a little explanation. The wording of the Act, Section 8 of Public law 110, 81st Congress, states that whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such an alien may be admitted for permanent residence.

You will note there is no mention of past services, and discussions with the committees and on the floors of the Congress clearly indicated that this authority was not intended to be used solely as a reward. In addition, the hearings on this Act were in the Armed Services Committees, whereas entry of aliens normally comes within the jurisdiction of the Judiciary Committees as immigration problems. This situation created a commitment that the authority granted would not be considered, in any sense, a substitute for immigration authorities, but was restricted solely to situations where the national security or the national intelligence mission required action which could not be obtained under any other law. Where, therefore,

an alien is eligible for normal immigration and neither of the above elements are present, the authority of Public Law 110 cannot be exercised.

In the case of [REDACTED] we understand your desire for expedition, but we are unable to consider the case on that consideration alone. We thank you, however, for the interesting information supplied which will be considered to see if any form of assistance can be proffered by interested offices of the government.

25X1A

Sincerely yours,

25X1A

[REDACTED]

Executive

CLW/LNH/ml1

cc: Central Records
✓ Signer's copy
Return to Legal Staff(subject)
Chrono